

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRIAN K. WHITE,

Plaintiff,

-against-

WARNER MUSIC GROUP; 300
ENTERTAINMENT SPARTA
DISTRIBUTION,

Defendants.

22-CV-7414 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated May 22, 2023, the Court granted Plaintiff 60 days' leave to file an amended complaint. On June 8, 2023, the order was returned to the Court with a notation on the envelope indicating that (1) Plaintiff no longer resides at the address he provided and (2) the United State Postal Service was unable to forward the mailing. As of the date of this order, Plaintiff has not provided the Court with an updated address or initiated any further contact with the Court, written or otherwise.

Accordingly, Plaintiff's complaint, filed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a)(1), is dismissed without prejudice because Plaintiff failed to update the Court with his new address. *See, e.g., Toussaint v. Maryland Dep't of Transp.*, No. 23-CV-0271 (D. Md. Mar. 21, 2023) (dismissing action without prejudice following Plaintiff's failure to update the court with his new address). Should Plaintiff want to pursue the claims asserted in this action, he must move for reconsideration under Rule 59(e) or Rule 60(b) of the Federal Rules of Civil Procedure, provide an updated address, and request that the Court vacate its order of dismissal.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Court directs the Clerk of Court to enter judgment in this case.

SO ORDERED.

Dated: July 12, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge